

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
SEPTEMBER 8, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on September 8, 2015, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, DeBoer, Dietrich, Hunt, Keen, and Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, IT Director Alexander, Public Works Director Buck, Facilities Director Clark, Police Chief Dombkowski, Parks Superintendent Fawley, Fire Chief Heath, WWTU Director Henderson, Street Commissioner Payne, Director of Development Poole, and Police Captain Sparger.

#### MINUTES

Councilor Keen moved for acceptance of the minutes of the July 2, 2015, Pre-Council Meeting, and the July 6, 2015, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

#### COMMITTEE STANDING REPORTS

##### STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office.

##### PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

##### PURDUE RELATIONS

Councilor DeBoer reported on events at Purdue University.

##### PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

Councilor Dietrich asked for a status report on the trail off of Salisbury Street near Grant Street that has been closed for some time.

Parks Superintendent Fawley responded that we are getting ready to sign a contract with Simon Construction to work on a short section of that this fall. The RDC has fully funded the rest of that trail for next year, so we are hoping to have it done in 2016.

Mayor Dennis explained that the reason it is taking so long is that it is a narrow trail with need for bank stabilization, and it is difficult to get the equipment to the location.

#### ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

PERSONNEL

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

BUDGET AND FINANCE

There was no report.

REPORT OF APC REPRESENTATIVE

Councilor Keen reported that there are a few things on the agenda for the September 16 APC meeting. The first is a request for rezoning of all of the properties currently zoned as R3 within the jurisdiction of West Lafayette to R3W. The second thing is UZO Amendment #86, which involves parking for multi-family dwellings in the R3U zone. The last thing is UZO Amendment #85, which involves restricting billboards along the Hoosier Heartland corridor, US 231, and the scenic byway of North and South River Road.

PUBLIC RELATIONS:

Beautification Award

Councilor Keen presented the Beautification Award to Toni Sheridan for the garden at her home in the 800 block of North Salisbury Street.

Ms. Sheridan expressed her appreciation for the honor. She stated that it is a pleasure to decorate during the holiday season and the summer for her student neighbors.

FINANCIAL REPORT

There was no report.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder asked how the Gilbert, Arizona sign matter affects us.

City Attorney Burns responded that there was a new U.S. Supreme Court case that may have some impact going forward. There are some communities who are looking at it as a bad precedent, but he is not sure it is as dangerous as it seems. He explained that it essentially takes the notion of content-neutral to an extreme, and it could be read to say that a "For Rent" sign is not able to be able to be segregated out as a different kind of sign. He stated that in some ways, even though it is a First Amendment case, it does not help the landlords or property owners much, and it just confuses things for the City. He stated that he is not fatalistic about its ultimate harm to our community, but it is a new case that bears watching on how various municipalities deal with it.

Councilor Dietrich asked, knowing how slow the process is through APC, if we should start fine tuning the regulations how we want it in anticipation of this.

City Attorney Burns stated that we spoke to APC Attorney, Jay Seeger, about it and he will be looking into if we should take a more conservative or proactive approach. It is correct that it would start at the APC. In response to a question from Mayor Dennis, City Attorney Burns stated that the facts of the case involved an informational sign similar to a "For Rent" sign that was dealt with by a City.

UNFINISHED BUSINESS:

Ordinance No. 23-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Sagamore Commons, LLC.) (OR to GB) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 23-15 by title only, and noted that this was postponed from the August 3, 2015, meeting.

Councilor Keen moved to consider Ordinance No. 23-15 from its postponement, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Joe Bumbleburg (Ball Eggleston PC), representing the petitioner, stated that they have met with the APC staff, our traffic people, and INDOT in Crawfordsville on this issue. In addition they commissioned a traffic study, and there is now a first draft of a traffic impact study which was emailed to the Council members.

Clerk-Treasurer Rhodes asked that it be filed with her office, and Mr. Bumbleburg stated that he would do so.

Mr. Bumbleburg stated that this rezone passed the APC 10 to 1. At that time, in the staff report of the APC they reflected that the future of this piece of ground was more likely to be commercial. He stated that that was the first step. If it passes the Council, it will go through the Technical Highway Committee, construction drawings, and the permit process. He stated that all of those trigger a much more stringent study, so Public Works Director Buck's office will see all of this, and so will INDOT. He stated that on top of that, a list of 13 uses that would be prohibited on this property was created with suggestions from Council members. The list, which may be added to, would become finalized when the final plat is recorded.

Councilor Dietrich stated that he is concerned that the list will be entered as convenience as opposed to commitment. He stated that, as discussed at Pre-Council, a covenant is much easier to change or remove with ownership approval. He stated that we have been burned a couple of times on approving a change in zoning for a particular project that fell through and we were stuck with something else. He asked Mr. Bumbleburg to address the issue of the covenants.

Mr. Bumbleburg stated that one of the practices that we have with the APC on covenants is that they are sometimes placed on the plats, or sometimes filed separately. He stated that generally speaking, they will also have a provision in the covenant which says that the covenants are enforceable by the APC and irrevocable by the lot owners.

Councilor Hunt stated that one of the APC staff comments strongly encouraged finding access to the property from Cumberland. He stated that what Mr. Bumbleburg defined as a traffic study was just numbers, and did not mention access.

Mr. Bumbleburg stated that it was not there because the APC staff wants access on property that is not owned by the petitioner. He stated that they are in talk with the landowners, but cannot compel something over somebody else's land.

Tim Stevens (Director of Development for Mann Properties), stated that there have been extensive discussions with the hotel about getting a cut there, but they would like to see the construction plans. He stated that the hotel does like the idea of swapping with them, the idea of access, and the idea of other goods, services, and restaurants. He stated that they feel

confident that they will be able to gain access through Cumberland at the time the construction plans are complete. He confirmed for Mayor Dennis that they are committed to that and have their word that there will be access.

Councilor Hunt stated that she trusts Mr. Stevens, but she expressed concern about voting for something that has a problem with access with the hope that the kind word of a businessman from Indianapolis will take care of that. She stated that she feels we do not have enough information to make the decision.

Mr. Bumbleburg stated that the Council is asking for concrete material that is in a process that is yet to come in the process. Right now there is Mr. Stevens' word. Mr. Stevens has done other projects in this community, and he has not developed a reputation of telling something and not doing it.

Councilor Hunt stated that she does not mean that Mr. Stevens is lying, but his statement of reassurance depends on somebody else.

Mr. Bumbleburg stated that most subdivisions have some element of that in it, and it is only the developer's credibility that they have to stand on. He stated that there would not be an ironclad deal until there are construction drawings, which are not done until after the rezoning. He stated that it is the way the process works.

Councilor Keen asked Mr. Bumbleburg to discuss the impracticality of pursuing a commitment at this time.

Mr. Bumbleburg stated that to do a commitment they would have to go back to the APC, and then it would have to come back here. The process would be delayed another 30 or 60 days. He stated that he believes that have found a workable solution.

Councilor Keen stated that it is impractical to start this process over again. He asked Mr. Bumbleburg to discuss the impact this will have on taxes within the City.

Mr. Bumbleburg stated that the amount of property levy on this particular site, the assessed valuation, is approximately \$450,000. A complete build-out on the entire site could be expected to generate as much as \$30 million. He stated that he thinks this is in a TIF district, and with that kind of assessed value it may help fund improvements in that area. He stated that those are the raw numbers they have now.

Councilor Hunt asked if they would come back to the Council with a proposal, or to Director Buck.

Mr. Bumbleburg stated that the way the system works, a rezoning gives the ability to do the final construction plans, based upon the rezoning and the previously approved subdivision that is already there. Those things all go back through the APC and the Engineer's office because he has to sign off on all of the construction plans.

Councilor Dietrich stated that he has a question about the traffic report, which is labeled as a trip generation comparison. He asked what the basis is for the numbers for the medical office traffic.

Steve Fehribach, P.E. (A&F Engineering), stated that what was used to generate the trips is the Institute of Transportation engineer's document called "Trip Generation Report." In that

document is has approximately 1,000 different uses with data that professionals use. It has uses such as retail, office, and cemeteries, so they can go to the document and plug in the square footage that is anticipated on the site and do the calculation for that. He stated that this was done to show that the site as presently zoned, compared to what is proposed, provides a feel for the number of trips, or vehicles, that can be generated. He stated that it is not local data; it is data that is compiled all over the country.

Councilor Dietrich stated that he knows from the APC discussion that there are concerns that adding a signal with left-hand turn signals has not been proposed on the preliminary plat, but the trip document is already making the assumption that turn lanes and signals would be added. He stated that it seems to be making a quantum leap from not being put in the original plat to being used as a mitigator for safety.

Mr. Fehribach stated that the trip generation report is supplemental to the traffic impact study document that the Council should have received.

Councilor Dietrich stated that he does not seem to have that document, but his question still stands.

Mr. Stevens stated that, to preface Mr. Fehribach's remarks, they wanted to produce this document to show that under the current zoning of OR, it could generate more trips than the proposed GB district. In that context they are asking the Council to look at these highway solutions, and they are talking about the same thing regardless of how it is zoned. He stated that they are talking about having these lanes, signal controls, and all of the street configurations discussed. He stated that one of the reasons why the different uses was shown is because as it is currently zoned it could generate more traffic, or less, but it is difficult to pick what may happen there. He stated that it is important for the Council to understand for this decision that it is not necessarily greater if it is approved and less if it is not. He stated that it is an absolute fact that there could be greater traffic if this is not approved.

Mr. Fehribach stated that, regarding the question about the access at the hotel, there was a traffic study done that included Cumberland, the proposed access along Sagamore, and also the access that would come out at the hotel on Cumberland. So, that access was considered as being in place. He stated that part of that was to look at a signal at the location of the opening on Sagamore. He stated that those have to be warranted by the State. He stated that they took a look at the trips that would be generated for the proposed use, assigned them to the street system, and did a warrant analysis. They found that at peak hours a signal would be warranted at that location. He spoke about some possible scenarios that were studied. He stated that this was a preliminary study in the sense that the State wants them to look at a couple of other intersections before going back to them, but this is expensive to do before there is approval for this rezoning.

Councilor Thomas asked if it is correct that the other nearby signals could be synchronized with this one, and Mr. Fehribach stated that they would have to be.

Councilor Bunder stated that if this were a planned development that showed an access on Cumberland he would be happy to move forward with this. He stated that he is suspicious of the notion that this is protected by convenience, and he is not confident that the State will generate a traffic signal for this new entrance until there are several accidents.

Councilor Hunt spoke of how it does not appear that the Council members got the full document that is being referenced, and Mr. Bumbleburg apologized and stated it would be sent tomorrow.

Councilor Dietrich stated that he is confused on how the APC report issues a lot of concerns and recommends continuance, but then there is a 10 to 1 vote in favor.

Mr. Bumbleburg stated that the recommendation of continuance did not have anything to do with zoning history, area zoning patterns, land use patterns, or environmental and utility considerations.

Councilor Dietrich stated that it was due to traffic and safety, which is also the Council's concern.

Mr. Bumbleburg stated that the Council may be giving safety more credit than it is due. He stated that the staff report says very little about traffic, even though they have traffic people on their staff. He stated that Councilor Keen was there and can comment more fully.

Councilor Keen stated that his understanding of the recommendation for continuance is that their feeling was that it was not ready to be heard at that point, but counsel indicated that they were fully ready to present their case. He stated that the case they presented at APC was, in his opinion, overwhelmingly positive and they voted to send it on.

Councilor Dietrich asked if the application to INDOT about the design entrance has happened since the authoring of the APC staff report.

Mr. Fehribach stated that the process with INDOT is to go back if this gets through zoning. The report is final in the sense that it addresses all of the traffic; however, they would add Win Hentschel to the intersections. At that time they would submit both the final report and the application to INDOT, along with the warrant analysis to request a signal at that location.

Clerk-Treasurer Rhodes asked, because it is helpful for Council to look back from the future and evaluate what was said and what occurred, if she understood correctly that an estimate was made that the development would yield approximately \$30 million in assessed valuation. She asked if that would be taxable assessed valuation, or if this would be tax exempt to some significant extent.

Mr. Stevens responded that they are not currently discussing tax exempt sales with anyone. He stated that there have been a number of people who have expressed interest in being in the property, including a grocery store and a couple of restaurants. He stated that those discussions are predicated on getting the GB zoning. He stated that what they had used was approximately \$1 million per acre as a new assessed value for the 28 acres, as that seems to be in the market of a lot of the other land uses that are around there. He stated that they looked at the particular land uses that they have been speaking with. It is assessed at \$450,000, and they expect the difference to be approximately \$27.5 million.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder		✓		
Burch	✓			
DeBoer		✓		
Dietrich		✓		
Hunt		✓		

COMMON COUNCIL MEETING MINUTES, September 8, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Keen	✓			
Thomas		✓		

Clerk-Treasurer Rhodes stated that the vote was 2 AYES and 5 NAYS.

Mayor Dennis announced that Ordinance No. 23-15 failed to pass.

Ordinance No. 25-15 An Ordinance Requesting An Additional Appropriation And Reduction To The 2015 Budget (Prepared by the Clerk-Treasurer) PUBLIC HEARING

Mayor Dennis read Ordinance No. 25-15 by title only.

Councilor Keen moved for passage of Ordinance No. 25-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes explained that this ordinance is to allow reallocation of the current General Fund budget among various departments based on staffing has it as occurred this year. Secondly, it reflects the consolidation of the Parks Non-Reverting Capital Fund with the Parks and Recreation Fund. The unexpended appropriation in the Parks Non-Reverting Capital Fund is now appropriated in the Parks and Recreation Fund, and that appropriation is removed from the Parks Non-Reverting Capital Fund.

Councilor Keen moved to open a public hearing on Ordinance No. 25-15. The motion was seconded by Councilor Burch, and the motion was passed by voice vote.

There were no comments.

Councilor Keen moved to close the public hearing on Ordinance No. 25-15 The motion was seconded by Councilor Burch, and the motion was passed by voice vote.

Mayor Dennis read Ordinance No. 25-15 by title only.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 25-15 passed on second and final reading.

Ordinance No. 26-15 An Ordinance Setting The 2016 City Budget And Setting The 2016 Tax Levy On Property And Tax Rate (Prepared by the Clerk-Treasurer) PUBLIC HEARING ONLY

Mayor Dennis read Ordinance No. 26-15 by title only.

Councilor Keen moved to open a public hearing on Ordinance No. 26-15. The motion was seconded by Councilor Burch, and the motion was passed by voice vote.

Zachary Baiel (124 Connolly Street) said, "I apologize if these questions and details were gone into at the budget hearing meetings; I wasn't able to attend those. In regards to the Information Technology Department, for their Cumulative Capital Development, it looks like there are a few things in there for IT software acquisition, software licenses, contract services, annual maintenance fees. Out of those particular expenditures, what has been set aside for updating the City's website, and making sure all of the previous information that is currently online will be migrated over?"

Mayor Dennis said, "Generally speaking, we have an IT director, which is something we have not yet had in this City, and that is Brad Alexander, who is right there. That is one of his assignments. So, he will be looking, doing that daily, and making sure that we are up to date and up to speed. I am sure that Brad will be more than happy to have a conversation with you after Council to make sure that you have his contact information, so you can contact him directly in regards to how we are progressing."

Mr. Baiel said, "I appreciate that."

Clerk-Treasurer Rhodes said, "There is funding in the current year budget. The project has begun, so this is not going to be delayed until 2016."

Mayor Dennis said, "We had a sidebar just a little bit earlier; Zach is aware of that."

Mr. Baiel said, "Okay, but this will continue that, and then we will move forward with those?"

Mayor Dennis said, "Right."

Mr. Baiel said, "So that's what that is laid aside for? Excellent. Thank you very much."

There were no further comments.

Councilor Keen moved to close the public hearing on Ordinance No. 26-15. The motion was seconded by Councilor Burch, and the motion was passed by voice vote.

Ordinance No. 27-15 An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2016. (Submitted by Mayor John Dennis)

Mayor Dennis read Ordinance No. 27-15 by title only.

Councilor Keen moved for passage of Ordinance No. 27-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, September 8, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 27-15 passed on second and final reading.

Ordinance No. 28-15 An Ordinance To Fix The 2016 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Mayor Dennis read Ordinance No. 28-15 by title only.

Councilor Keen moved for passage of Ordinance No. 28-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 28-15 passed on second and final reading.

Ordinance No. 29-15 An Ordinance To Set The Salaries Of The Elected Officials, City Of West Lafayette, Indiana, For The Year 2016 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 29-15 by title only.

Councilor Keen moved for passage of Ordinance No. 29-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, September 8, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0NAYS.

Mayor Dennis announced that Ordinance No. 29-15 passed on second and final reading.

**NEW BUSINESS:**

Ordinance No. 30-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (ZAC, LLC) (NB to R3W) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 30-15 by title only.

Councilor Keen moved for passage of Ordinance No. 30-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, stated that this rezone request is on a 20-acre tract on the south side of Cumberland. He stated that Adam Tucker from ZAC, LLC and Steve Schreckengast, property owner, are here to respond to questions. He stated that this rezone received a recommendation of denial from the APC staff; however, they failed to look at the occupancy. It received an 8 to 3 favorable vote from the APC. He stated that ZAC is a subsidiary of Zimmer Development Corporation, a large family-owned business with assets that they own and manage from Florida to Michigan. He stated that they have been around a long time and know what they are doing, and they have been very successful. He asked the Council to look at the GIS map in the handouts he provided to be clear on the location. He stated that Cumberland runs through the R3/NB site, and they want to do a simple swap of zoning. The R3 would be moved to the sound side of Cumberland, and the NB would be moved to the north side and changed to GB. The end result would be to have commercial next to commercial, and the commercial would have a commitment with it. There will be residential next to residential, and that will have a commitment with it as well. He stated that there will be no substantial increase in density with this change. The Citation Homes tract on the north side will be approximately 60 acres when it is all put together, and will be a GB commercial tract. He stated that the hospital site will be across the street, and that is where the medical component of this will take place. He stated that the commitment for the ZAC site will increase the greenspace, limit the height, decrease the building coverage, and have a greater setback along the south from Wake Robin. He stated that his opinion is that this commitment will limit density. Without that commitment, if traditional apartments were built, there could be 300 units on that site. So, they are decreasing possible density there by one-third. He explained that the commitment cannot change without a public hearing with the APC, which would include notice to the City and the neighbors. The commitment can be enforced by APC, West Lafayette, and by the Board of Zoning Appeals. He stated that the Engineering Department would not issue a building permit unless the terms of the commitment are upheld. It is more enforceable than a covenant. Mr. Teder stated that at the APC hearing there were a few Wake Robin residents who spoke against it, and they indicated that 20% responded to a

survey and the majority were not in support. He stated that the remaining residents then either do not care or are the silent majority. So, a large group of people did not respond to that survey and had no feeling for or against it. There was one resident that spoke and wrote a letter in favor of it. Mr. Teder read from the letter, which spoke of the new buildings fitting in well the existing homes, and how it would mean that there would not be light, sound, or smell pollution from stores and restaurants. Mr. Teder stated that he thinks that says quite a bit about why they want residential next to residential. He stated that ZAC will build cottage-style units with the look of a single-family home, with no more than 200 units. The cost of the project will be \$25 million. He stated that Mr. Schreckengast indicated that the assessed value for that acreage is approximately \$1,000, so whatever the assessed value ends up being will be substantially more than it is today. The units will be two-bedroom, two-bath, and four-bedroom, four-bath units. The rent per unit will be \$1,400 to \$2,000. There will be shuttle service provided to and from Purdue University and Purdue Research Park. They will rent to undergraduates, graduate students, professionals, and families. He stated that there will be every amenity imaginable, both for the unit and the common area; it is a very upscale type of community. There will be a 100-foot buffer, including trees, greenspace, and driveways from the nearest home in Wake Robin. Mr. Teder stated that the Research Park is growing, and Purdue wants additional out-of-state and international students to raise revenue. He stated that these students are demanding a higher quality of living that this will provide. He stated that they will rent by the unit, and also by the bed. Most residents will want to rent by the bed because it will prevent someone from being stuck for the whole rent if someone else leaves. He stated that he believes there will be a large influx from the Purdue graduate students. Mr. Teder stated that two large marketing firms did some research, and the occupancy in West Lafayette is approximately 91%. The competition for this is The Lodge and The Cottages on Lindberg, which are approximately 96% occupied, with no full units available. He stated that the reason they want to build cottage-style apartments is because they have no vacancy. Additionally, Purdue has about 38,000 students, and about 32,000 students are undergraduate on-campus, undergraduate off-campus, and graduate students. He stated that if you assume they occupy 100% of all the student apartments, there are still 6,000 students left that need an apartment. He stated that as Mr. Thomas indicated, the students can go into the older homes, but the developer is trying to get approximately 10% to come to this development. Mr. Teder stated that this site is 2.3 miles from campus, and there are no other areas this size closer to campus except what is owned by Purdue. He stated that they do not want to build three-story apartments because the petitioner feels there is a need for more of the cottage-style apartments.

Councilor Bunder stated that when the annexation was done, we promised people that we would do better at developing this property than other places had done with the same kind of new construction possibilities. He asked if there is a plan for US 231.

Director of Development Poole stated that when we did the annexation, one of the things discussed with APC was how we would influence the development along the US 231 corridor. He stated that this development, with the lack of a plan currently in place, is a way to influence the type of development that does occur. With the R3 zoning, the maximum density would be 300 units, but this is for 200 units. So, there is a little bit of control there. We are taking some residential and moving it so that it abuts a residential development as well. So, we are starting to move the pieces around a bit with some commitments from the developer itself to help make this a more attractive development and influence where we want to go with this. He stated that when the developer came to talk to the City, they had an in-depth discussion on what we would like to see. He stated that we do not yet have a plan with APC that has been vetted and gone through the public process. It is something we would like to do. It will take a tremendous amount of time.

Mayor Dennis stated that the request was made to APC during the annexation process to develop a plan. The fact of the matter is, as with the New Chauncey plan and other generalized planning overlays, we run into that human element where they do not have the staff. They have just not had the time to get to it. It is no fault of theirs. All six communities that they serve want the same thing, and they have a staff of three that deals with that.

Councilor DeBoer stated that he would like to read from the 2014 Student Housing Rental Report. He quoted, "The community should continue to be wary of supporting dramatic increases in large multi-family housing developments in the outlying areas of West Lafayette that aren't adjacent and walkable to major commercial activity centers. Moreover, even if a large multi-family complex is proposed in a prescribed location, developers should be prepared to furnish solid evidence and verifiable data to the staff, APC, City Council, and the public demonstrating a clear demand for such a project." Councilor DeBoer stated that he simply does not see the demand for this project, and he thinks that we have been trying to avoid these types of projects out there, and trying to build up the urban core. He stated that he agrees with the APC staff's recommendation of denial.

Councilor Hunt stated that she read all of that report, and she was particularly interested in the statement read by Councilor DeBoer. She stated that there is another statement in the report with an interview of a representative of another mid-size management property. She quoted that this person noted, "The three- and four-bedroom units are the hardest to lease." It goes on to say, "To lease units we have had to sacrifice our policies, our standard, and allow individual leasing, short-term leasing, roommate matching, and price negotiation." She stated that this is a huge concern to her. She stated that this is coming from the APC, and the denial came from the APC.

Mr. Teder stated that he thinks the Councilors are comparing apples to oranges. He stated that the report is talking about the traditional looking apartment, and he does not disagree. Although the occupancy is very good with traditional looking apartments, we do not need any more of those. With the 96% occupancy at The Cottages on Lindberg and The Lodge, his opinion is that they are gathering from the good job that Purdue is doing with the Research Park. He stated that at 2.3 miles from Purdue, it could be argued either way that they are on the outskirts, but they are not on the outskirts of the Research Park. It is right next to the Research Park; that is why Cumberland was extended. He stated that they have the hospital next door, next to that is The Lodge and another complex that is trying to get in for graduate students. Then there is the hotel, Wal-Mart, and all of that activity there. He stated that this is a natural progression of that, and he agrees that we do not need more of the three-story all-student units. This is something totally different, and The Cottages is a good example. They are very well occupied with very little problems.

Councilor Keen stated that this is not a question of whether or not the R3 is going to be there, because under the current zoning R3 is there, and they can do whatever they want in the R3 that is there now. We would have no say in approving large student apartments in that area as it is. He stated that the question of this development in his mind is about the most logical place for that development to occur. It would make the most sense to put residential with residential and business with business. He stated that he appreciates the report, but he thinks it is a moot point because under the current zoning they can put the R3 right across the street without coming before the Council at all. He stated that the question we need to ask is what is the most logical and the most fitting place for this to be.

Councilor Dietrich asked, regarding Councilor Hunt's comment about the three- and four-bedroom being the most difficult for other complexes to rent, if that is not why this development

is doing it by bed—to help fill those and alleviate some of the concern of being stuck with the four-bedroom.

Mr. Teder responded yes, and there will be a combination of per-bed and per-unit. He stated that The Cottages is a good example. There is basically no vacancy; all of the apartments are full except that some units had one or two beds not filled. He stated that he believes Councilor Keen brings up the argument that overcomes the concern. Apartments can be built there on the north side that the Council has no control over, with more units that this development would have on the south side. He asked why that would not make sense. There would be residential next to residential, commercial next to commercial, and there would be fewer units.

Councilor Dietrich stated that Mr. Schreckengast mentioned in Pre-Council about his development of the other area. He asked that Mr. Schreckengast reiterate that and maybe go into more detail into what that development may be comprised of.

Steve Schreckengast (3315 Shrewsbury Drive, president of Citation Homes, Inc.) stated that this is an area they have been thinking about. There is a plan here. He stated that Alan White is a part of the development team. The Council is familiar with Mr. White's history of taking the most difficult site in West Lafayette and creating what is now IU Heath, Crew Carwash, a bank, and other businesses. He stated that if Mr. White had not gotten involved in that, it would probably still be a gravel parking lot. Mr. Schreckengast stated that they worked hard on securing the sale to St. Elizabeth to get the medical complex on the 28 acres on the northeast corner. There is already a church on the southeast corner. He stated that they have the ability tonight to get 60 acres of GB ground zoned all together. They are working with Lynn Cason, and they can take their 10 acres which fronts Cumberland and combine that with Mr. Cason's 50 acres. This is 60 acres of GB zoning, with commitment. He stated that they made a lot of commitments on what they will not do in that zoning. He stated that will not happen unless this rezone happens. He stated that the toothpaste is out of the tube here; there is already multi-family at this corner. He stated that this will just move the multi-family 100 feet across Cumberland and back it up, with a lot of restrictions, with two-story units backed up to residential. That will open the 60 acres on the northwest corner to be GB zoning with commitments. He stated that he looks forward to working with the City on a development to be proud of, much like Wabash Commons.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder		✓		
Burch		✓		
DeBoer		✓		
Dietrich	✓			
Hunt		✓		
Keen	✓			
Thomas		✓		

Clerk-Treasurer Rhodes stated that the vote was 2 AYES and 5 NAYS.

While voting, Councilor Bunder commented that his experience with the APC professional staff over the last six years has led him to admire their work. He stated that we do not have a plan here, and the staff recommended denial, so his vote is “no.”

Mayor Dennis announced that Ordinance No. 30-15 failed to pass.

Ordinance No. 31-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Citation Homes, Inc.) (R3 to GB) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 31-15 by title only.

Councilor Keen moved for passage of Ordinance No. 31-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mr. Teder stated that on behalf of the petitioner, he withdraws the petition.

City Attorney Burns stated that he would like to have the Council vote to withdraw for the record, because it is the Council's province to make a motion to withdraw.

Councilor Keen moved to withdraw Ordinance No. 31-15 on the recommendation of the petitioner. Councilor Burch seconded the motion, and the motion passed by voice vote.

Mayor Dennis announced that Ordinance No. 31-15 has been withdrawn.

Ordinance No. 32-15 An Ordinance Amending Various Section Of The West Lafayette City Code To Comply With Second Class City Status (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 32-15 by title only.

Councilor Keen moved for passage of Ordinance No. 32-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that this is changing some of the verbiage so that it means what it says.

Councilor Hunt stated that there was some concern on whether we will remove a portion of the surcharge on the parking tickets.

City Attorney Burns stated that it seemed from the reaction of Council at Pre-Council that the wisest course at this point is to go ahead and remove by deletion two sentences. The first sentence is on Page 11, Section 44.11 (d). The sentence states, “The Board of Public Works and Safety may, when necessary, adopt a resolution that modifies the parking permit surcharge, so long as the modified surcharge is reasonable.” He stated that he suggests a deletion of that sentence, as well as the same sentence on the next page, Page 12 Section 51.09 (b).

Councilor Hunt moved to amend Ordinance No. 32-15 with the aforementioned deletions. Councilor Keen seconded the motion, and the motion passed by voice vote.

City Attorney Burns noted that this is a two-reading, so the Council will have the opportunity to take a look at it again after the first reading. The intention of the legislation was to make the changes that are necessary to bring our Class 2 City verbiage into line. There is a lot more content here than the actual changes for context.

Councilor DeBoer stated that the biggest concern right now is that we do not have an online version of the Unified Code. A lot of the City Code on the website talks about deletions in certain places, and references other master documents. He stated that he hopes we would eventually be able to get a solid piece of what our City code is. He asked what procedurally we would need to do to have a unified document.

City Attorney Burns stated that he has had similar frustrations looking through it himself. It is difficult from a search-ability standpoint. He stated that we have a codification company, but he does not know if they are the ones to be doing this. It is a change that he has not undertaken; this was for the Second Class City, but he would be happy to start down that path.

Councilor DeBoer stated that it would be so that the residents of the City can actually know what is against the law without other documents.

City Attorney Burns stated that it would be helpful if anyone knows of a municipality that seems to have done it right.

Councilor DeBoer stated that Bloomington does it fairly well.

Councilor Dietrich asked when the last time is that we sold a VHS tape to anybody. He stated that on Page 10, Section 41.09 talks about going from 13 to 14 citizen representatives, but in subsections (c) and (d) it refers back to 13. He stated that these need to be updated across the board.

Councilor Dietrich moved to amend Ordinance No. 32-15 with the aforementioned changes. Councilor Keen seconded the motion, and the motion passed by voice vote.

Councilor Dietrich stated that on Page 14, it refers to certifying charges to the auditor. He asked if this is to the county auditor.

City Attorney Burns responded yes. He stated that it may be an antecedent; it may talk about the auditor someplace earlier, but we can put in county auditor to make it clearer. The change would be to put county before both references to auditor.

Councilor Dietrich moved to amend Ordinance No. 32-15 with the aforementioned changes. Councilor Keen seconded the motion, and the motion passed by voice vote.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 32-15 (Amended) passed on first reading.

Ordinance No. 33-15 An Ordinance To Establish A Parking Fine Surcharge And A Parking Permit Surcharge (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 33-15 by title only.

Councilor Keen moved for passage of Ordinance No. 33-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor DeBoer stated that there was discussion to amend this piece of legislation in order to give authority to increase the surcharge to the City Council.

City Attorney Burns stated that he suggests three deletions that would underlie a motion to amend. That would be to delete the last Whereas on Page 1. Then delete the last sentence on the next page under Section 44.11 (d), which reads, "The Board of Public Works and Safety may, when necessary, adopt a resolution that modifies the parking fine surcharge, so long as the modified surcharge is reasonable," and to likewise delete the same sentence at Section 51.09 (b).

Councilor DeBoer moved to amend Ordinance No. 33-15 with the aforementioned changes. Councilor Hunt seconded the motion.

Councilor Bunder stated that he hate the word "surcharge," because we all know that the point of fact is that when an airline charges \$100 per ticket, then \$30 surcharge for fuel and \$25 surcharge for a bag, that the ticket is not \$100. He stated that he wishes we had been brave enough to say that we need to pay the fee to cover the cost of the new automated digital reader. He stated that he is not making that motion, but is saying that this is a word that most people do not care for.

City Attorney Burns stated that it is a fair comment. To call it what it is is always best. In this case it may be closer than Councilor Bunder indicates because it is required by the contract term, and they call it a surcharge. It is not a fine because they do not have the power to impose a fine. He stated that it is a cost to the person who has the problem with the ticket. It keeps it separate from fines so that when raising the fine is considered, this is known to be separate.

The motion passed by voice vote.

Councilor DeBoer stated that he agrees with Councilor Bunder about the absurdity of calling this something other than it is. He stated that in 2012 West Lafayette doubled the parking fees, and increasing them again and imposing them on the student body is a regressive tax to him. He stated that he does not want to increase this. He stated that we should use some of the increased fees in 2012 to pay for it.

Councilor Dietrich asked if this will have any impact on the Neighborhood Resource parking control person. He asked if NuPark is actually going to issue tickets on the City's behalf.

Police Captain Sparger stated that NuPark has no feet on the ground. They are simply supplying computers and software.

Councilor Dietrich asked if NuPark is going to somehow tell us that someone parked illegally two hours ago and we somehow collect that.

Captain Sparger responded no. He stated that right now we have people riding around on a scooter with a chalk stick. He explained that what this system does is essentially replace that chalk stick with an electronic camera. It takes pictures of license plates and positions of cars against the curb. It uses that information and puts it on a GPS map, so the vehicle can be located on a GPS field and provides all of this information for documentation. So, when people get parking tickets they can actually go online and see all of the documentation that we have for the parking tickets that are written. It is a more transparent system. He confirmed for Councilor Dietrich that our people will still write the tickets, and that there will be fewer appeals. He stated that he does not see us writing more tickets. What we will gain in the long-run is some attrition in employees; this means that the City will have to pay fewer employees to write parking tickets because it will go quicker with this system. He stated that we are not looking to get rid of a couple of people right now; the current employees will leave naturally at their retirement. After that happens we hope to need fewer of them. He stated that in addition to those advantages, this is just a more transparent way to write tickets. It is a modern way to work a parking system as opposed to what we have done with chalk. He stated that there are health and safety concerns for the people who do that. They are actually touching someone's property with a golf club in this respect, and that is not a good thing to do in this day and age. He stated that we are trying to bring our systems up to the modern era.

Mayor Dennis asked what other communities use this.

Captain Sparger stated that this particular system is in use in several different universities, and it was developed by Texas Tech's engineering department. Texas Tech has a similar setup as West Lafayette in that they have an engineering park or development area where they make businesses in the university and then spin them off to be sold in their research park. That is what happened with this system.

Councilor Dietrich asked if the \$2 surcharge we are discussing is on the successful tickets. They identify, we write, and it is a \$2 surcharge to them.

Captain Sparger responded yes; the City is going to pay them \$2 for every ticket we write. He confirmed for Councilor Dietrich that it is only the ones we write, and not for each one identified.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer		✓		
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Ordinance No. 33-15 (Amended) passed on first reading.

Ordinance No. 34-15 A Fire Protection Ordinance Providing For Payment Of Fire Hydrant Rental Costs By Indiana American Water Company (IAWC) Ratepayers (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 34-15 by title only.

Councilor Keen moved for passage of Ordinance No. 34-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Fire Chief Heath stated that this started in 2010. This was an ordinance that came in front of the Council, and was pulled. He stated that when annexation was discussed and we saw the need for more firefighters, our department grew with the assistance of the federal government with the SAFER grant in 2013. It was a \$1.2 million grant, and has been paying for these firefighters for almost 18 months. The grant comes to an end in March 2016. One of the ways we looked at helping to pay for those firefighters, and covering the City's cost, is a fire protection fee. He stated that the City has been paying this fee ever since the water system was here. That rate continues to go up. As of right now it is approximately \$401,000. He stated that Indiana American Water only has three cities statewide that do not have a fire protection fee, and we are the biggest of those cities. This is a trend that is statewide. Lafayette has this fee. Chief Heath stated that we have probably one of the best-trained fire departments in the area. We meet all National Fire Protection Association (NFPA) standards, but prior to the grant we did not meet those standards. He explained that those are the standards that the federal government has, telling us how many people need to respond to a fire. Prior to the grant we did not meet that standard, and the City of West Lafayette should meet that standard. He stated that he files a quarterly report with FEMA since receiving the grant, and he has been able to report 100% responders for every fire since that time. He stated that we are providing a better service to our citizens, but the bottom line is that now we have to pay for it.

Councilor Thomas asked what the normal meter size is for a residential home.

Chief Heath stated the standard meter size in West Lafayette is a 5/8" meter, and we have approximately 7,000 of those. He confirmed for Councilor Dietrich that the other meters would be for something other than residential, and that if a household does have a larger meter they can call the water company to ask for a change.

Councilor Burch asked if it is correct that residents can look forward to a monthly charge of \$3.32, as listed on Exhibit "A" of the ordinance.

Chief Heath stated that the exact amount is \$3.54, based on an email from IAWC.

Councilor Burch stated that this will go into effect January 1, and asked if there are anticipated increases down the road.

Chief Heath responded that he has been told by IAWC that because we were not in their docket when they went to the Indiana Utility Regulatory Commission (IURC) to have this rate raised, we are grandfathered until they request a rate increase in 2019. There is an opportunity for public comment when it goes to the IURC.

Councilor Burch asked if this money is basically to pay for the firefighters that were hired under the SAFER grant, and Chief Heath responded that this is correct.

Councilor Hunt asked if the Indiana code allows us to do this, and Chief Heath responded that it does. Councilor Hunt stated that she welcomes meeting the NFPA requirements; meeting standards is important. She stated that there is a component in this ordinance for poverty; if people just cannot afford to pay this they can provide documentation for a reduced fee. She stated that she thinks that is a good thing to include.

Mayor Dennis stated that it is similar to our trash fee.

Councilor Dietrich asked what it costs us to have a firefighter on the department.

Chief Heath responded that, including benefits, it is approximately \$85,000. He confirmed for Councilor Dietrich that this will not quite foot the bill for all seven new firefighters.

Councilor Dietrich stated that he knows some cities add to this amount to make that coverage. He does not know if that is something that should be considered to cover the cost. This will make a good dent in it, but it not going to be a zero-sum operation. He stated that he wants to comment on how nice this ordinance is. He stated that he has read the statute, and it allows charging all of the different meter sizes, which would include irrigation. He stated that he believes there are a couple of hundred in the City that could be charged a double-fee for this. He stated that he likes that this is a proactive approach by the City to force the hand, and to put down a local rule to say that we are not going to pay for irrigation. We will look at this end of it to try to get some compensation or concession from the water company. He stated that he thinks it is well written and a great attempt for us to save our people some money.

Councilor Bunder asked who will bill this—if Indiana American will bill this.

Chief Heath stated that Indiana American is the way it is set up right now.

Councilor Dietrich asked if that is the best way to do this.

City Attorney Burns stated that we would prefer to do it, but that is not the way it is structured.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 34-15 passed on first reading.

**Resolution No. 18-15** A Resolution Appropriating Insurance Recovery Received For Damage To City Property (Police and Parks) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 18-15 by title only.

Councilor Keen moved for passage of Resolution No. 18-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes stated that this is the standard resolution for insurance recovery. This is for repair of a police vehicle and for a sign replacement from vehicle damage.

Councilor Burch asked if this is recent, as in the past month or so.

Clerk-Treasurer Rhodes stated that the recoveries have occurred in approximately the past six weeks.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 18-15 passed on first and only reading.

Resolution No. 20-15 A Resolution Incorporating Agreement Into Ordinance No. 24-15 By Reference (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 20-15 by title only.

Councilor Keen moved for passage of Resolution No. 20-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mayor Dennis stated that this is to insert an agreement into an ordinance that was passed last month.

Councilor Bunder asked Councilor Keen if he knows when the Centennial neighborhood's overlay is going before APC.

Councilor Keen responded that it will probably be December.

Councilor Burch asked if this ordinance tells the individual homeowners what they put on their homes.

Councilor Bunder stated that this is a way of explicating the discussion between neighborhood representatives, the APC staff, and developers. It was at the end of Phase 2, at the end of the rezone that was made to match the land use plan. It is not related to historic preservation; it is

related to the overlay. With the completion of that rezone, the APC staff is going ahead to work on an overlay zone for the neighborhood, but New Chauncey is in line behind Centennial. We thought this would be a clearer way to get the agreement into the record.

City Attorney Burns stated that all we had was the ordinance, No. 24-15, that had this attached to it. It was not referred to in the document; it just got clipped onto it. The intention was to make it a part of that, but since it was not overtly stated in the ordinance the thinking was to make it abundantly clear what occurred, that this resolution would probably be the best way for posterity to be able to look back and realize this was approved.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 20-15 passed on first and only reading.

**CITIZEN COMMENTS**

► Kay Miller (8143 Old State Road 25 N., Lafayette), Co-President of the Americus Area Community Coalition, expressed appreciation for the concern for the environment, including the Wabash River and for the quality of life in this area. She stated that earlier this year the Council expressed opposition to the proposed stone quarry along the Wabash River near Americus. She stated that Superior Court 1 Judge Randy Williams supported our County commissioners and their right to pass the ordinance prohibiting quarries where there were 100 homes within a 2 mile radius. She stated that Rogers Group has filed an appeal of this decision, so it is at the appellate court level, and she wanted the Council to know what was happening.

► Mary Cook (Harry’s Chocolate Shop, 329 West State Street, owner), stated that she watched the ordinances go through tonight, and watched how the developments often be voted down, when they are presented to the Council by local families and community members. This is at a process of no less than \$10,000 to even get in front of the Council, and has gone through every department within the City as well as most of the County before they come to the Council. They are well thought out, and they are willing to adapt. She stated that she continually hears about preservation of what has been here, and the Council does not want change, and does not want more kids in neighborhoods. But when someone tries to go out a little bit and put in a new development, well thought out, and well planned, the Council does not want that. She stated that at some point there is going to have to be a compromise because the local businesses existing here cannot continue to be the heart and soul of what pays for the fabulous fire, police, and all the protection we have in this city. She stated that she hopes that there will be some more open-minded compromise things that by the time it comes to the Council they might want,

because a lot of the people being turned down are local developers and local community-involved people.

► Mr. Baiel stated that along with Ms. Cook, with that same sentiment he would encourage all of this Council and the audience to get involved in the APC process. It is a long one, but he encourages people to be aware of what is being developed in and around the County well in advance. He stated that in regards to Resolution No. 20-15, as a resident of New Chauncey he is disturbed by the sentence, "Some areas recommended for medium density residential development are not yet ripe for R2U or R3U zoning." He asked if the point of up-zoning New Chauncey is not to be what we want to become not currently what we are. He asked what will change between now and when the form-based code is presented. He stated that in regards to the data gathered by NuPark, everyone who is parked on our streets is on a GPS map. He asked how often that information of those who have no violated any parking ordinances expunged from the system. He stated that it seems like a mildly disturbing Big Brother component of the NuPark system. Mr. Baiel stated that regarding Councilor DeBoer's comment about the lack of a unified source of unified ordinance information, if Municode is not updated and an accurate source.

Councilor DeBoer stated that it continues to reference other documents within there, and it sometimes itself in prior ordinances, but the ordinances are not on the Internet.

Mr. Baiel stated that it is that linkrot. He stated that he is in favor of tightening that up. He thanked the Council for voting down the various developments that they felt was not a good fit in the area. He stated that he and others in the community find it odd when the APC votes strongly against the staff's recommendation. He stated that he would like to see a developmental plan for the US 231 corridor before quickly moving to develop it. He stated that he would encourage a 311 service, allowing citizens to easily report trouble areas in the city via an app, website, or phone call.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 8:27 p.m.